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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,171	12/05/2000	Akio Ikeda	0229-0621P	6594

7590 04/30/2002

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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

4

DATE MAILED: 04/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,171

Applicant(s)

IKEDA, AKIO

Examiner

Justin R Fischer

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US 3,399,257) in view of Merli (US 4,279,286). Ueno discloses a pneumatic tire construction having a tread portion and a pair of sidewall portions, such that a vent emboss line and a vent groove are included in each of said sidewall portions. In this instance, the vent emboss line is represented by the protrusion of rubber that fills the lower mold groove 10 and the vent groove is the straight portion that connects the adjacent vent emboss lines. In describing the vent emboss line, Ueno states that it has a depth of approximately 2 millimeters (Column 3, Lines 13-16). However, the reference fails to depict a bead core and a bead apex and does not define the vent groove as extending axially inward of the tire sidewall (i.e. groove is only formed as a result of the adjacent vent emboss line- no recession into tire sidewall). Regarding the bead core and bead apex, though not depicted by Ueno, these tire components represent the fundamental structure of a tire and as such, one of ordinary skill in the art at the time of the invention would readily expected and appreciated the inclusion of a bead core and a bead apex. With respect to the vent groove, Merli discloses a similar tire sidewall having a vent emboss line and a vent groove in which the vent groove can

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be at the same level, more recessed, or more external to the adjacent tire sidewall (Column 6, Lines 35-39). Thus, a thick appliqué or decoration requires an increase in the vent groove depth, which results from an extension of said vent groove into the tire sidewall in accordance to the limitations of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to form the vent groove of Ueno into the tire sidewall, as suggested by Merli, for the reasons set forth below.

Ueno is clearly directed to a similar tire sidewall construction incorporating a vent emboss line and a radially outward and adjacent vent groove. Furthermore, in view of Merli, it is evident that the vent groove can be formed in line with the tire sidewall or more recessed or more external. Regarding the location of the vent emboss line and the vent groove, Ueno does not depict a bead structure and thus necessarily fails to suggest the radial positioning required by the claimed invention. It should be noted that Ueno appears to depict the vent emboss line and vent groove in proximity to the height of the maximum section width. In any event, it is extremely conventional to form a vent emboss line and vent groove in a region that is disposed adjacent to a radially outer end of said bead apex, it being further known that venting is conventionally provided in the claimed region. The specific positioning of the vent emboss line and vent groove is dependent on the desired location of the appliqué or decoration (i.e. lower sidewall, upper sidewall). For example, Merli suggests the formation of a vent emboss line and a vent groove in a region that is adjacent the bead apex region (Figures 1-12). As such, one of ordinary skill in the art at the time of the invention would have readily appreciated

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the positioning of the vent emboss line and vent groove in a region that is adjacent the bead apex, as detailed above.

Regarding claim 2, applicant requires a vent groove width of between 5 and 10 millimeters and a vent groove depth of between 0.2 and 0.5 millimeters. In this instance, Merli is being applied to define the use of a vent groove that extends axially inward of the tire sidewall in accordance to the limitations of the claimed invention.

Merli depicts a vent groove having a width L but is silent as to any quantitative measurement and further states that the vent groove can be formed of any shape or configuration for any type of decoration or inscription (Column 6, Lines 53-57).

Regarding the vent groove width, this dimension is dependent on the height of the appliqué or decoration and one of ordinary skill in the art at the time of the invention would have been able to select an appropriate vent groove width specific to the type of decoration employed. Also, with respect to the vent groove depth, Merli generally states that the vent groove can be more recessed or more external to the tire sidewall. Again, the vent groove depth is dependent on the thickness of the appliqué or decoration and one of ordinary skill in the art at the time of the invention would have been able to select the appropriate vent groove depth in accordance to the limitations of the claimed invention depending on the type of decoration employed.

With respect to claims 3 and 5, Ueno depicts a vent groove, which does not extend axially into the tire sidewall, having a substantially straight profile (only straight portion in claimed invention is the groove). Merli depicts a vent emboss line and a vent groove in the bead region, which is clearly below the maximum section width point.

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Thus, as stated above, one of ordinary skill in the art at the time of the invention would have been motivated to form the vent emboss line and vent groove in the bead region in accordance to the desired location of the decoration.

Regarding claim 4, Ueno states that in addition to colored strips, the vent groove can house other patterns consisting of fine lines or letters consisting of fine lines, it being well known that such marks are conventionally employed in an embossing operation (Column 3, Lines 21-26).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin R Fischer whose telephone number is (703) 605-4397. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Justin Fischer

April 25, 2002



Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700